FOR MYSORE STATE

HOME (195 3) Department.

Passed
R. Iyer

Rt SERIES.

G.O. No. 4162

Dated 8-12-53

[Despatch Abstract.]

Narayana

Narayanaswamy A - Ex Comstable 183 of Sourn Kanara district - dismissal - Petition to Government for reinstatement - Rejected

Ko-1170A/PR/53
C.S.No.No 8501/53-1
9.9.1953

C.S Tappal
Home h.o
9/9 gnb

To

The Chief Secretary to the Government of Madras,
Fort St.George.
MADRAS.

Humble memorial of:-

Narayan A., Ex-constable No.183 of South Kanara District, C/o Ambady Vaidyar, Bhuvaneshwari Ayurveda Vaidyalaya, Arikady, South Kanara District.

pp 13-19 infra

178351

SUB: Memorial against the dismissal order - D.S.P.,South Kanara - P.R.No.206/52 dated 27-12-1952 - Confirmed by the Dy.Inspector General of Police, Western Range, in his order dated 13-3-1953 and Inspector General of Police's order dated 15-7-1953.

9/9 p21 infra

-@-

p2 2 infra

The memorialist begs to submit:-

That the memorialist was a member of Police Force in South Kanara District working as a Police Constable for the last 12 years till 1-1-1953. That he had been served with an order of dismissal by the Dt.Superintendent of Police, South Kanara on 27-12-1952, confirmed by the D.I.G., Western Range, in his order, dated 13-3-1953 and finally declined to interfere by the I.G. of Police by his order, dated 15-7-53.

pp13-19 infra
p21 infra
p23 infra.

2.At the outset the memorialist begs to submit that all these orders are liable to be set aside since it is against the socalled evidence recorded in this case.

3.The memorialist is submitting herewith a copy of the grounds of appeal summitted to the D.I.G. of Police. Western Range, Coimbatore and also copies of the orders of the D.I.G. and I.G. of police

4.That the memorialist did not get a fair opportunity of defending himself before the departmental officers in spite of several requests by the memorialist to suply him a list of documents from the Dt.Superintendent of Police, South Kanar This memorialist had submitted a list of defence witnesses and records on 5-6-1952 before the enquiry officer and they were not given to him and the enquiry officer had not properly ques tioned the defence witnesses. The documents listed are 12 in number a copy of which is submitted which would clinch

the issue if exhibited and aruged upon. Unfortunately, for the memorialist the enquiry officer thought they were not necessary or they found them not necessary for reasons best known to them.

5. That the charges against the memorialist are vague and the same is not corroborated even from the departmental point of view by any independent witnesses. This point should be very clear if the Government were to peruse the order of the D.I.G. dated 13-3-1953 wherein the D.I.G. was pleased to concede that there was no injury on P.W.1 (Sridhar Pai) but at the same time he holds that there is sufficient proof for the charge of beating. This one conclusion of D.I.G. is sufficient to hold that the memorialist is innocent of the said charge and the entire dismissal order has to be set aside on this single ground alone. P.W.1's evidence has to be rejected entirely as false in view of the fact that no medical certificate was produced in this case as regards the alleged beating. Further the Dt. Superintendent of Police who had held the investigation at the earliest opportunity did not observe any injury on the person of P.W.1. But P.W.1 avers that he was severely manhandled by this hefty constable. But All the same the D.I.G. was pleased to hold that the charge has been proved. This conclusion of the D.I.G. has really caused real injustice to the memorialist. The charge of making a false charge by the memorialist under the M.V.Rules against the witness was enquired into and charge-sheeted by the higher authorities of Brahmavar Police Station and tht the Memorialist cannot be held responsible for the acquittal of the accused in that case before a court of law and a perusal of the judgment and the relevant records in the case will satisfy the Government that the memorialist had not preferred a false charge against the said witness and hence the Dt. Superintendent of Police's or the D.I.G's conclusion in the matter that the said charge has not been proved is of no avail.

6. That the D.I.G's finding that the memorialist complained as regards the refusal of the enquiry officer to examine his witnesses and permit him to look into the documents [illegible]

(3) 3

by him is not supported by any reason. In a matter of this nature where the Government servant has to be dismissed from service the memorialist submits that he ought to have been given all facilities in defending himself by examining his witnesses and going through the documents elicited by him and it is humbly submitted that the D.I.G. has erred in considering that these documents are unnecessary.

§23 supra

7.That the memorialist was very much pained to receive an order from the I.G. of Police (A copy of which is filed herewith) that no second appeal lies in this case, under the Police Standing Order. But recently as per G.O.No.455, Home, dated 9-2-1953, the memorialist submits that even the Government has accorded to the members of the Constabulary subject to an order of dismissal a right to memorialise the Government against the order after exhausting his rights of appeal. Furthe the memorialist submits that the Inspector General of Police has not given any reasons whatsoever to hold thatthe order of dismissal is correct. Hence this further ground for the Government to hold that the memorialist did not get proper justice from the Departmental Heads.

8.That the memorialist submits that during his 12 years service he had behaved in a most disciplined manner and had no occasion whatsoever to get such a severe punishment at the hands of his superiors on a complaint of an individual whose evidence is palpably false. That the memorialise prays that the Government may be pleased to look into his grounds of appeal submitted to his departmental heads which are filed herewith.

9.That the memorailist is out of employment for the last 1½ years for no fault of his and that he being a poor citizen of India has nothing to fall back upon. Hence it is humbly submitted that the Government may be pleased to review the order passed by the Inspector General of Police and pending disposal of this memorail pay some allowance to this memorialise which are paid to Government servants on leave.

10.For these and other reasons to be urged at the time of

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hearing of this memorial it is humbly submitted that the Government may be pleased to cancel the order of dismissal and order the re-instatement of the memorialist at an early date.

Yours very obediently,

E-X (P.C.183 of South Kanara)

A. Narayana

E-X-P-C.183

5-9-53

Enclosed
List of D. Cs and records
J. G. orders.
D. S. G. orders.
and Memo Copy

Home Dept

Endt No 178357 P&GII/53-1 Dt 11 9 53

Returned to the petitioner for submission through the proper channel.

(By Order)

V Thillaigovindan

Assistant Secretary to Govt

10/9/53

11.9.53

To

Sri A Narayana

Ex. H.C. 183

C/o-Ambaay varayar,

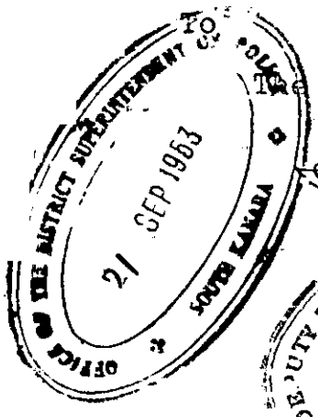
Bhuvaneshwari Ayurveda

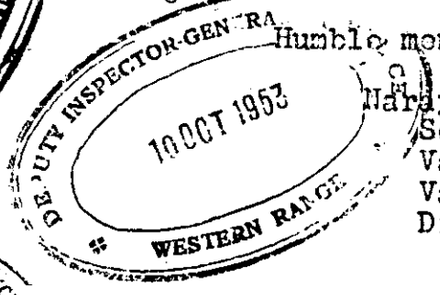
vasuyasala,

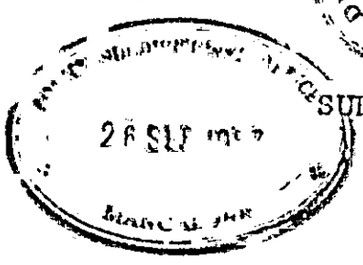
Arikady

South Kanara Dt

R.77
- Kumbla 5







To

The Chief Secretary to the Government of Madras,
Fort St.George,
MADRAS.

Through the District Superintendent of Police
South Kanara Mangalore.

Humble memorial of:-

Narayan A., Ex-constable No.183 of South Kanara District, C/o Ambady Vaidyan, Bhuvaneshwari Ayurveda Vaidyalaya, Arikady, South Kanara District.

SUB: Memorial against the dismissal order - D.S.P.,South Kanara - D.P.No.206/52 dated 27-12-1952 - Confirmed by the Dy.Inspector General of Police, Western Range, in his order dated 13-3-1953 and Inspector General of Police's order dated 15-7-1953.

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The memorialist begs to submit:- (Same as pp 1-4 ante)

That the memorialist was a member of Police Force in South Kanara District working as a Police Constable for the last 12 years till 1-1-1953. That he had been served with an order of dismissal by the Dt.Superintendent of Police, South Kanara on 27-12-1952, confirmed by the D.I.G., Western Range, in his order. dated 13-3-1953 and finally declined to interfere by the I.G. of Police by his order, dated 15-7-53

2.At the outset the memorialist begs to submit that all these oreers are liable to be set aside since it is against the so-called evidence recorded in this case.

3.The memorialist is submitting herewith a copy of the grounds of appeal submitted to the D.I.G. of Police, Western Range, Coimbatore and also copies of the orders of the D.I.G. and I.G. of police.

4.That the memorialist did not get a fair opportunity of defending himself before the departmental Officers in spite of several requests by the memorialist to suply him a list of documents from the Dt.Superintendent of Police, South Kanara This memorialist had submitted a list of defence witnesses and records on 5-6-1952 before the enquiry officer and they were not given to him and the enquiry officer had not properly questioned the defence witnesses. The documents listed are 12 in number a copy of which is submitted which would clinch

the issue if exhibited and argued upon. Unfortunately, for the memorialist, the enquiry officer thought they were not necessary or they found them not necessary for reasons best known to them.

5. That the charges against the memorialist are vague and the same is not corroborated even from the departmental point of view by any independent witnesses. This point should be very clear if the Government [illegible] to peruse the order of the D.I.G. dated 13-3-1953, wherein the D.I.G. was pleased to concede that there was no injury on P. W.1 (Sridhar Pal) but at the same time he holds that there is sufficient proof for the charge of beating. This one conclusion of D.I.G. is sufficient to hold that the memorialist is innocent of the said charge and the entire dismissal order has to be set aside on this single ground alone. P. W.1's evidence has to be rejected entirely as false in view of the fact that no medical certificate was produced in this case as regards the alleged beating. Further the Dy. Superintendent of Police who had held the investigation at the earlier stage did not observe any injury on the person of P. W.1. But P. W.1 avers that he was severely manhandled by this hefty constable. But All the same the D.I.G. was pleased to hold that the charge has been proved. This conclusion of the D.I.G. has really caused real injustice to the memorialist. The charge of making a false charge by the memorialist under the P.V. Rules against the witness was enquired into and charge-sheeted by the higher authorities of Brahmavar Police Station and that the Memorialist cannot be held responsible for the acquittal of the accused in that case before a court of law and a perusal of the judgment and the relevant records in the case will satisfy the Government that the memorialist had not preferred a false charge against the said witness and hence the Dt. Superintendent of Police's or the D.I.G's conclusion in the matter that the said charge has not been proved is of no avail.

6. That the D.I.G's finding that the memorialist complained as regards the refusal of the enquiry officer to examine his witnesses and permit him to look into the documents listed

by him is not supported by any reason. In a matter of this nature where the Government servant has to be dismissed from service the memorialist submits that he ought to have been given all facilities in defending himself by examining his witnesses and going through the documents elicited by him and it is humbly submitted that the I.G. has erred in considering that these documents are unnecessary.

7. That the memorialist was very much pained to receive an order from the I.G. of Police (A copy of which is filed herewith) that no second appeal lies in this case, under the Police Standing Order. But recently as per G.O.No.455, Home, dated 9-2-1953, the memorialist submits that even the Government has accorded to the members of the Constabulary subject to an order of dismissal a right to memorialise the Government against the order after exhausting his rights of appeal. Further the memorialist submits that the Inspector General of Police has not given any reasons whatsoever to hold that the order of dismissal is correct. Hence this further ground for the Government to hold that the memorialist did not get proper justice from the Departmental Heads.

8. That the memorialist submits that during his 12 years service he had behaved in a most disciplined manner and had no occasion whatsoever to get such a severe punishment at the hands of his superiors on a complaint of an individual whose evidence is palpably false. That the memorialist prays that the Government may be pleased to look into his grounds of appeal submitted to His Excellency which are filed herewith.

9. That the memorialist is out of employment for the last 14 years for no fault of his and that he being a poor citizen of India has nothing to fall back upon. Hence it is humbly submitted that the Government may be pleased to review the order passed by the Inspector General of Police and pending disposal of this memorial pay some allowance to this memorialist which are paid to Government servants on leave.

10. For these and other reasons to be urged at the time

8

hearing of this memorial it is humbly submitted that the Government may be pleased to cancel the order of dismissal and o der the re-instatement of the memorialist at an early ate.

Yours very obediently

EX (P.C.183 of South Kanara)

A. Narayana

E.X. P.C 183
18.9.53.

Enclosures:-

(1) Endorsement No. 148351 Pages from 1 to 4.
(2) List of D.W's, and records. ~~Pages~~
(3) I. G. Orders.
(4) D. I. G. Orders and Minute Copy.

9

Before the Enquiry Officer.

List of D.Ws and Records.

Sir,

The delinquent begs to submit that the following DWs may kindly be summoned on behalf of the defence , the under-mentioned documents may also be supplied to the delinquent as they are found to be quite necessary to proceed with oral enquiry by thedelinquent.

Names of witnesses:-	Points to prove.
1. Sri Kaliappan, Dy. S.Police,Salem.	To speak to his investigation in D 2 Crime No. 83/51 and the C.Ds of D 2 S.I. in Crime 83/51 dated 8-11-51 to 9-11-51.
2. Medical Officer in charge of Udipi Hospital in November 1951.	To cause production of the Accident Register of Govt. Hospital, Udipi for Nov. 51 and also the Wound Certificate granted to Sridhara Pai on 9-11-1951 etc.
3. Sri Koragappa, S.S.M.Udipi.	To speak to the remand report in D 2 Cr No. 83/51 and also the production of the accused in the said crime byD 2 Police and releasing the accused on bail etc.

Documents.

1. Beat ticket issued to P.C. 183 on 8-11-51.
2. The point books of all the villages the delinquent visited as per instructionsin the beat ticket on 8-11-51.
3. G.D. of D 2 station for November and December 1951.
4. Sentry Relief Book of D 2 for November 1951.
5. Prisoner's search register for D 2 Nov. 1951.
6. Arrest card book for D 2, Nov. 1951.
7. S.I's case diary in D 2 Cr. No. 83/51 dated 8-11-51 and 9-11-51.
8. Remand Report in Cr. No. 83/51 of D 2.
9. Note book of S.I. for D 2 of Nov. and December 1951.

10

10. Petty case charge sheet Book for D 2 for 1951 and 1952.

11. Tappal Book for D 2 for November and December 1951.

The delinquent requests the furnishing of all the documents mentioned above for his perusal and to take notes as the same are found to be quite necessary to proceed with the oral enquiry during the defence stage.

Yours faithfully,

Udipi.
5-6-1952.

Narayana Pelis 5.6.52.

Beg to state that the Memorialist could not get and produce the above documents, while the enquiry was conducted. As per the provisions of the rules of enquiry. the delinquent should be provided, with all the relevant records, which he may find useful to prove his innocence. All the records in question are available in the local Police Station or in the office of the Inspector of the Circle.

The above records are most important documents of evidence, as far as I am concerned, as they will clearly show that I am innocent in the case and the charges against me are baseless.

I may kindly be permitted to submit that these records were not brought to the notice of the Officer, who conducted the enquiry, with the motive that he might not be put in the real picture of the incident and that I might be punished.

General Diary and Case Diary are the most important documents in the Police office, which will show the daily proceedings, works and activities of the staff of the station office.

So I humbly request that your Honour may kindly be pleased to call for the G.D. dated 8-11-1951 of Brahmavar Police station and C.D. of the Sub Inspector of Brahmavar

Police Station regarding Crime No. 83/51 dated 8-11-51 and 9-11-51 and these may be taken as evidence in my case, which will prove that I am innocent in the matter and the charge against me are groundless.

Yours faithfully,

Dated 5-9-1953.

A. Narayana
EXPE 183
5.9.53

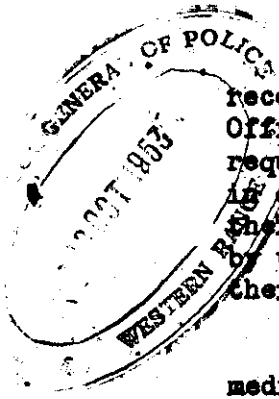
R.C.No. 206/PR/53.

Enc. 511 April 53 13-2

Forwarded to the Dy. Inspr.-Genl. of Police, Western Range. Coimbatore.

2) I offer the following remarks on the memorial of ex.P.C. 153 A. Narayana to the Chief Secretary to the Government of Madras.

Paras 1,2 and 3:- These are introductory and hence no remarks.



Para 4:- The requisition of the memorialist for the production of certain records and the examination of certain P.Ws. was duly considered by the Enquiry Officer. When questioned, the P.C. refused to elucidate as to what for he required the records. The Enquiring Officer rightly held that the records in question were not relevant to the charge against the P.C. and hence refused their production. Similarly, he held that the evidence of certain D.Ws. cited by the P.C. was irrelevant for the purpose of the charge and hence refused their examination.

Para 5:- The fact that P.W.1 had not sustained any injuries and that no medical certificate was produced does not in any way disprove the fact that P.W. 1 was beaten. The charge against the delqt. is that he beat P.W.1 and not that he caused injury to him. The case under the M.V. act depended primarily on the P.Cs. evidence and the fact that the case ended in acquittal with adverse remarks of the Magistrate regarding the worth of the prosecution evidence is sufficient to draw an inference that the delqt. had foisted a false case.

Para 6:- The rules are clear that the delqt. in a departmental enquiry will be allowed to peruse only those records and to examine those D.Ws. that the Enquiring Officer is satisfied are necessary for the purpose of defence.

Paras7 to 10:- No remarks.

Mangalore,
2-10-53.

Dt. Supdt. of Police, SK.
2/10.

15 29

Sub: Narayana, A. Ex.Constable No.183 of South Kanara District - Dismissal Petition to Government, for reinstatement.,

R.C.No.1170.A/PR/53.
-;-

Forwarded with copies of the orders petitioned against and a copy of the defaulter sheet of the petitioner.

2. A copy of the remarks of the District Superintendent of Police, South Kanara in his endorsement R.C.No.206/PR/53 dated 2-10-1953 is enclosed. p27 ante

3. Particulars in regard to the age and service of the petitioner are given below:-

Age. : 33 years.
(Date of birth 16-8-1920)

Date of enlistment : 30-8-1941.

4. Attention is also invited in this connection to Home Department Endorsement No.33697 Police II/52-1 dated 29-2-1952 and my letter R.C. No.639/PR/52 dated 5/7-4-1952. not relevant

SECRETARIAT TO GOVERNMENT
214196
27/11

Office of the Inspr.-Genl. of Police, P.B.No.601, Madras-4, Dated 26th Novr., 1953.

S. Bashir Ahmad 24/11
for Inspr.-Genl. of Police.

vide p2 ante (M)

To the Secretary to the Government of Madras, Home Department.

SKD 24/11;
24/11

G.I.R. 4011 Home 8/25.11.53

17 -1

[C. No. 214196 Pol II /53] Home Dept.

G.O.R. No. 4162 dt 8.12.53

Issue and dlct fpl 1/12th

Narayana, A- Ex. constable No. 183 of South Kanara district - Dismissal - Petition to Govt for reinstatement - Rejected.

Read:- From the I. G of Police, R.C. No. 1170-A/PR/53 dated 26.11.53.

Order:-

fp29 cf

The petition is rejected under instruction XVII (7) of the Instructions regarding the submission and receipt of petition and other papers of the same class addressed to the Govt of Madras reproduced below:-

fp67 of Pbk No 145 not put up.

"

XVII : Petitions addressed to the Government will be liable to summary rejection in the following cases:-

× × ×

(7) When the petn is a representation against a decision which is declared to be final by any law or statutory rule"

The petr. should be informed accordingly.

To

The I. G of Police, Madras 4 (with 4 copies and pp13-26 cf in orgl)

7.12.53 7.12.53

1/12

C.No.214196 Pol.II/53)

HOME DEPARTMENT

Narayana ,A - Ex.Constable No.183 of South Kanara dt- Dismissal -Petition to Govt. for reinstatement.

From the I.G. of Police, R.C,No.1170-A/PR/53 dated 26-11-53.

In the petition at pp1-4 c.f. A.Narayana ex.p.c. 183 of South Kanara dt. who was dismissed from the force by the D.S.P. South Kanara, has requested that he may be reinstated in service. The petitioner was dismissed from service on the following charges viz:-

1. Failure to comply with beat instructions, absence from beat duty on 8-11-51 and making a false record of his movements on the night of 8-11-51;
2. Unbecoming conduct in beating one Sridhar Pai on the night of 8-11-51 at Barkur Ferry.
3. Making a false report under the M.V. Rules against the same person on 27-12-51

2. The facts of the case are as follows:- The delinquent was a P.C. attached to Brahmawar Police Station and he was deputed at 8 a.m. on 8-11-51 with instructions in his beat ticket to proceed to Gundumie etc., villages and after attending to certain items of work detailed therein to proceed to Kodi village and halt there on the night of 8-11-51. In fact the delinquent was present at Barkur Ferry on the night of 8-11-51 and also assaulted ~~assaulting~~ one Sridhar Pai at Barkur Ferry when he was taken to the Police Station after being

being arrested in Cr.No.83/51 Sec. 363 I.P.C. on the night of 8-11-51. On 27-12-51 the delinquent made a report that he found the same Sridhar Pai (P.W.1) riding a cycle on the wrong side of the road, without a light at Barkur village. In acquitting the accused (P.W.1), the S.S.M. Udipi in his judgment described the delinquent's evidence as unworthy of credence, thus showing that the case was false.

cf C on p12 cf

An oral enquiry was held and the enquiring officer held all the three charges to have been proved. After examining the further representation of the petitioner, the D.S.P. also held all the three charges to have been proved and he, therefore, dismissed the petitioner from service vide copy of the minute and order of the D.S.P. at pp13-19 c.f. The ex. p.c.'s appeal to the D.I.G. and further petition to the I.G. were rejected in the proceedings at pp21 and 23 c.f. respectively.

A on p17 cf and
B on p19 cf

X on p19 cf

3. A copy of the defaulter sheet of the petitioner is at pp25-26 c.f. The points raised by the petitioner in the petition at pp1-4 c.f. have been met by the D.S.P. in his remarks at p.27 c.f. The petitioner is aged 33 years and had put in a service of about 11 years and 4 months at the time of his dismissal. There was no procedural irregularity in connection with his dismissal.

para 3, p2 cf.

4. No appeal lies to Govt. in this case. The petition is liable to summary rejection under instruction XVII (7) of the Instructions for the submission of petitions to Govt.

k p67 of Bk No 145 not put up

For orders.

31253

3.12.53

the petitioner had not only disobeyed the instructions of his superiors but also assaulted one Sridhar Pai and later on tried to foist a false case on him. The petition may be rejected with reference to the rules mentioned at k in page 2 ante

Rejected
5.12.53

4/12 5

A draft order is submitted for approval.

7.12.53
7.12.53

7/12

(Issued as G.O.R. No 4162 Home
8.12.53